

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Plaintiff,

v.

Criminal Case No. 16-20432

Dawn K. Bentley,

Sean F. Cox

United States District Court Judge

Defendant.

ORDER REGARDING
DISPUTED JURY INSTRUCTION

As discussed on the record this date, the parties have only one dispute concerning jury instructions in this case. The Government requests that the Court give the Sixth Circuit's Pattern Instruction 2.09, titled "Deliberate Ignorance." Defendant opposes the Court giving that jury instruction.

The Sixth Circuit has "repeatedly" "held that Instruction 2.09 is an accurate statement of the law." *United States v. Darji*, 609 F. App'x 320, 336 (6th Cir. 2015) (citing *United States v. Reichert*, 747 F.3d 445, 451 (6th Cir. 2014)); *see also United States v. Geisen*, 612 F.3d 471, 486 (6th Cir. 2010).

As the Court explained on the record this date, this instruction is appropriate in this case because: 1) Defendant claims a lack of guilty knowledge; and 2) the facts and evidence presented at trial could support an inference that Defendant acted with reckless disregard of the high probability of illegality or with a conscious purpose to avoid learning the truth. *Darji*, *supra*, at 335-36 (citations omitted).

Accordingly, the Court rules that the jury instruction shall be given in this case.

IT IS SO ORDERED.

S/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: January 18, 2017

I hereby certify that a copy of the foregoing document was served upon counsel of record on January 18, 2017, by electronic and/or ordinary mail.

S/Jennifer McCoy

Case Manager